

BOARDMAN TOWNSHIP PERCH LAKE NO GASOLINE MOTORS PERMITTED ORDINANCE

BOARDMAN TOWNSHIP ORDINANCE No. 08-17-16-01

An ordinance for public peace, health, and safety of the resident and property owners of Perch Lake subdivision; to protect the lake water, wildlife, and marine life from oil and gasoline left behind from gasoline motors.

State law referenced: Watercraft and Marine Safety, MCL 324.80101 et seq.; local regulations MCL 324.80110 et seq.

Perch Lake location: Boardman Township, Kalkaska County, Michigan, Section 26, T-26-N, R-8-W
Lat. 44 degrees 36 min. 46.641 sec
Long. -85 degrees 13 min. 51.87 sec.

Section 1: Name: Boardman Township Perch Lake No Gasoline Motor Permitted Ordinance

Section 2: Purpose: The purpose of the Ordinance is to restrict the use of gasoline motors on Perch Lake.

Section 3: Regulations: Boardman Township ordains: that no person, firm or corporation shall operate a gasoline motor including a motorboat or other watercraft vessel on Perch Lake, with the exception of the Kalkaska Sheriff's Department or other law enforcement or emergency agency.

Section 4: Definitions: The following words, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

Motorboat means any vessel wholly or partly propelled by the use and operation of an internal or external combustion engine or engines, air, fan, blower or jet propulsion engine or engines or motor or motors excepting electric motor or motors.

Operate means to navigate or otherwise use a motorboat in or on the water.

Vessel means every description of watercraft, used or capable of being used as a means of transportation on or in water.

Section 5: Enforcement and Penalties: The Ordinance shall be reported by all land owners on Perch Lake and enforced by the Kalkaska Sheriff's Department and the Township Board.

a. *Operating gasoline motor powered watercraft on Perch Lake is unlawful.* It shall be unlawful for any person to operate a gasoline powered motorboat upon or in the waters of Perch Lake.

b. *Penalty.* Any person who shall violate this Ordinance shall be responsible for a civil infraction, subject to the following penalties:

1. *Fines.* The following civil fines shall apply in the event of a determination of responsibility for a civil infraction:

a. *First offense.* The civil fine for a first offense violation shall be in the amount of \$500.00, plus costs and other sanctions, for each offense.

b. *Repeat offense.* The civil fine of any offense which is a repeat offense shall be in an amount of \$1,000.00, plus costs and other sanctions for each offense.

2. *Enforcement.* In addition to ordering the defendant determined to be responsible for a civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation.

3. *Continuing Offense.* Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.

4. *Damages.* The judge or magistrate shall be authorized to impose costs, damages and expenses as provided by law.

This Ordinance shall become effective thirty (30) days after its publication and as required by law. (MCL 41.181-MCL 41.186)